

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America)

v.)

Case No. SA:19-MJ-01349

JOSE MIGUEL SANDOVAL-PINEDA)

AKA: EL PRIMO)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/07/2019 in the county of Bexar in the
 Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C § 922 (o)

It shall be unlawful for any person to transfer or possess a machine gun

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

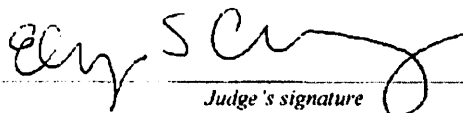
- ☒ Sworn to before me and signed in my presence.
☐ Sworn to telephonically and signed electronically.

Date: November 8, 2019City and state: SAN ANTONIO


Complainant's signature

Eric A. Watkins SA/ATF

Printed name and title



Judge's signature

Honorable Elizabeth S. Chestney

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

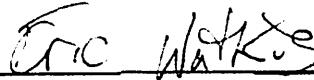
AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Eric Watkins, being duly sworn do hereby depose and state:

1. Your affiant is currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and has been so employed since October 2018. Additionally, between April 2014 and October 2018 your affiant was a sworn ATF Task Force Officer, and therefore, since April 2014, your affiant has participated in investigations concerning violations of Titles 18, 21, and 26.
2. During an ongoing investigation, agents obtained a federal search warrant for an LG cellular telephone, IMEI# 359584090153081. The search of the phone revealed that on August 24, 2019, an unlisted contact using phone number 661-779-3600 sent a video via WhatsApp to the LG cellular telephone. This video depicts a man, identified as Jose Miguel SANDOVAL-Pineda aka "El Primo", sitting in the front right passenger seat of a vehicle with an OD green Glock firearm, which was loaded with an extended, high-capacity magazine. While riding on a paved highway, SANDOVAL-Pineda begins to discharge the firearm out of the open front passenger window. As he discharges the firearm, numerous shell casings are ejected from the firearm. SANDOVAL-Pineda discharges the Glock until empty of ammunition, emptying the magazine in about two seconds or less.
3. Attached to the Glock's slide cover plate was a box-type object, which is commonly referred to as a Glock Switch. SA Watkins knows from his training and experience that Glock pistols that have been illegally converted into machine guns have a "switch," which is generally rectangular in shape, attached to the rear of the firearm's slide, replacing the Glock factory slide cover plate. This conversion device effectively converts the Glock from a semi-automatic pistol to a fully automatic pistol (a machine gun) by allowing more than one projectile to be discharged, without manual reloading, by a single function of the trigger. The specific conversion device attached to the rear of the Glock here had a slide-type switch allowing the firearm to function in both semi-automatic mode (one shot per function of the trigger) and fully automatic mode (more than one shot per function of the trigger without manual reloading). In the video, SANDOVAL-Pineda discharges the firearm with the switch in the machine gun mode, as demonstrated by the rate of fire, i.e. emptying the Glock magazine (approximately 20-22 shots) in less than two seconds.
4. Agents determined that SANDOVAL-Pineda had possessed the machine gun near the 12000 block of United States Highway 90 in San Antonio, Texas. Agents have confirmed that the buildings, landmarks, and road signs at this location match those observed in the background of the video.

5. Agents also obtained a federal historical cell site data search warrant for SANDOVAL-Pineda's cell phone, 661-779-3600, which revealed that the cellular phone was consistently in or around southwest San Antonio, Texas on August 24, 2019.
6. SA Watkins knows from his training and experience as an ATF agent that "Glock Switches" are illegal machine guns in their selves without being attached to a firearm under the definition of a machine gun in 26 U.S.C. § 5845(b).

Based on the above facts, your affiant believes there is probable cause that Jose Miguel SANDOVAL-Pineda, a.k.a. El Primo, knowingly possessed a machine gun in violation of 18 U.S.C. § 922(o).



Special Agent Eric A. Watkins
Bureau of Alcohol, Tobacco, Firearms &
Explosives

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF NOVEMBER, 2019.



HONORABLE ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE